

**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4 and 2011 Iowa Acts, Senate File 482, section 13(4), the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

One of the factors that precludes Medicaid eligibility is residence in a public institution, such as a jail or prison. 2011 Iowa Acts, Senate File 482, mandates suspension rather than cancellation of Medicaid eligibility when a person who is either elderly or disabled enters a public institution. This amendment sets the procedural requirements for that policy change. The expectation is that suspension of eligibility will allow for a streamlined process of reopening a person’s Medicaid case when the person leaves the institution.

Any interested person may make written comments on the proposed amendment on or before November 8, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment does not provide for waivers in specified situations because it confers a benefit and is mandated by the General Assembly. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.3 and 2011 Iowa Acts, Senate File 482, division IX.

The following amendment is proposed.

Amend rule 441—75.12(249A) as follows:

**441—75.12(249A) Inmates of public institutions.** A person is not eligible for medical assistance for any care or services received while the person is an inmate of a public institution. For the purpose of this rule, ~~the phrase “inmate of a public institution” and “public institution” is~~ are defined by 42 CFR Section ~~435.1009, 435.1010~~ as amended ~~on November 10, 1994~~ to August 25, 2011.

**75.12(1) Suspension.** Medical assistance shall be suspended, rather than canceled, for the first 12 continuous calendar months that a person is an inmate of a public institution if all of the following conditions are met:

a. The department is notified of the person’s entry into the public institution through either:

(1) A monthly report which is provided to the department by the public institution and includes the person’s name, date of birth, and social security number and the date the person entered the institution;  
or

(2) Other verified notice received by the department.

b. The person has entered a public institution on or after January 1, 2012, and has been in the public institution for 30 days or more.

c. On the date of entry into the public institution, the person was a Medicaid member based on:

(1) Disability as determined pursuant to rule 441—75.20(249A), or

(2) Being 65 years of age or older.

d. The person remains eligible for medical assistance except for institutional status.

**75.12(2) Coverage during suspension.** While medical assistance is suspended, payment will be made only for services received while the person is not an inmate of a public institution.

**75.12(3) Reinstatement.** Inmates who are released from a public institution while Medicaid is suspended may submit Form 470-5045, Request to Reopen Medicaid, to request reinstatement of Medicaid. The department must receive the form within 30 calendar days after the person's release from the public institution.

This rule is intended to implement Iowa Code section 249A.3 and 2011 Iowa Acts, Senate File 482, division IX.